

# Irish Creameries and Dairy Produce Bill. [H.L.]

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## ARRANGEMENT OF CLAUSES.

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### Clauses

1. Restriction on the use of the term "creamery" in relation to Irish butter.
2. Registers of creameries and cream-separating stations.
3. Premises capable of registration as creameries or cream-separating stations.
4. Conditions of registration.
5. Regulations applicable to registered creameries.
6. Regulations applicable to registered cream-separating stations and registered creameries.
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10. Prohibition of use of term "creamery" in connection with unregistered premises.
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17. Exemption of person carrying on business from penalty on proof of another being actual offender.
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### SCHEDULE.

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B I L L

INTITULED

An Act to make provision with respect to the regulation  
of Irish creameries and the manufacture and sale of  
Irish dairy produce. A.D. 1912.

BE it enacted by the King's most Excellent Majesty, by and  
with the advice and consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled,  
and by the authority of the same, as follows:—

5 1.—(1) From and after the first day of January nineteen  
hundred and thirteen the term "creamery" if applied to Irish  
butter shall be taken to be a trade description signifying that  
the butter has been manufactured in a creamery registered under  
this Act and has not subsequently been blended or re-worked,  
10 and if applied to any Irish butter which—

*Restriction  
on the use of  
the term  
"creamery"  
in relation to  
Irish butter.*

(a) has not been manufactured in a creamery registered  
under this Act; or

(b) having been so manufactured, has subsequently been  
blended or re-worked;

15 shall be taken to be a false trade description of that butter  
within the meaning of the Merchandise Marks Act, 1887; and  
the provisions of that Act with respect to false trade descrip-  
tions, including penal provisions, shall have effect accordingly. 50 & 51 Vict.  
c. 26.

(2) For the purposes of this section, the term "creamery"  
20 shall be deemed to be applied if applied within the meaning  
of the Merchandise Marks Act, 1887, and the expression "Irish  
Butter" shall be deemed to include in Ireland any butter sold  
or offered, exposed or consigned for sale otherwise than as  
British, colonial or foreign butter.

[Bill 313]

A 2

A.D. 1912.

Registers of  
creameries  
and cream-  
separating  
stations.

2.—(1) For the purposes of this Act, the Department of Agriculture and Technical Instruction for Ireland (in this Act referred to as "the Department") shall establish and keep a register of all creameries and a register of all cream-separating stations for the time being registered under this Act, specifying 5 in the case of each creamery and cream-separating station the person carrying on the business and the situation of the premises registered.

(2) The Department may correct any error or misdescription in the particulars entered in either register. 10

Premises  
capable of  
registration  
as creameries  
or cream-  
separating  
stations.

3.—(1) Subject to the provisions of this Act, any premises in Ireland on which a creamery business is carried on shall be capable of registration as a creamery, and any premises in Ireland on which a cream-separating business is carried on shall be capable of registration as a cream-separating station 15 under this Act:

Provided that premises shall not be capable of registration as a creamery unless the creamery business carried on upon the premises is such that in the ordinary course of the business the quantity of butter manufactured on each day on which the 20 business is carried on exceeds fifty-six pounds in weight, and premises shall not be capable of registration as a cream-separating station unless the cream-separating business carried on upon the premises is such that in the ordinary course of the business the quantity of cream separated from milk on each day on which 25 the business is carried on is sufficient for the manufacture of at least twenty-eight pounds of butter.

(2) Where a creamery business and a cream-separating business are carried on upon the same premises by the same person as one business, the portion of the premises on which 30 the cream-separating business is carried on shall be deemed to be part of the creamery and shall be registrable as such accordingly.

(3) Premises which are, or are required to be, registered under the Sale of Food and Drugs Acts, 1875 to 1907, or which com- 35 municate with any such premises otherwise than by a public street or road, shall not be capable of registration under this Act.

Conditions of  
registration.

4.—(1) Subject to the provisions of this section, the Department shall not register any premises as a creamery or

cream-separating station under this Act unless they are satisfied that the premises are capable of registration as such and that the following conditions with respect to the premises, plant, and machinery (in this Act referred to as "conditions of registration") are complied with, that is to say:—

- (a) The premises, plant, machinery, and utensils must be kept in a state of cleanliness and repair suitable to the requirements of the business:
- (b) The premises must not be situated in such a position or used in such a manner as to expose the butter, cream, or milk dealt with therein to contamination or effluvia from any drain, cesspool, manure heap, cow-house, pigstye, or other similar source:
- (c) The premises must be provided with an adequate supply of pure water:
- (d) The premises must be equipped with efficient plant and machinery of the description specified in the schedule to this Act, or (at the option of the person carrying on the business) with such other plant or machinery as the Department may approve.

(2) Where an application to register any premises as a creamery or cream-separating station is made on or before the first day of January nineteen hundred and thirteen, if it is shown to the satisfaction of the Department that a creamery or cream separating business, as the case may be, was carried on upon the premises on the thirtieth day of June nineteen hundred and eleven, then compliance with the foregoing condition as to the equipment of the premises shall, for the purposes of the application, be dispensed with, and, if the premises are registered in pursuance of the application, that condition shall not apply with respect to the premises until the first day of January nineteen hundred and sixteen.

5.—(1) The following regulations shall be observed in carrying on a creamery business in a creamery registered under this Act:—

Regulations  
applicable to  
registered  
creameries.

- (a) Butter shall not be manufactured in the creamery except from cream which has been separated in the creamery from milk by means of centrifugal force applied by mechanical power, or has been supplied from a registered cream-separating station, or some other registered creamery:

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(b) Every package or wrapper containing or enclosing butter sold or offered or consigned for sale in or from the creamery shall be marked in the prescribed manner with the mark or number assigned to the creamery by the Department; and

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(i) if the butter was manufactured in the creamery, or in some other registered creamery, with the words "Irish Creamery Butter," and

(ii) if the butter was not so manufactured, with words indicating distinctly that the butter is not 10 creamery butter or, in the case of British, colonial, or foreign butter, that the butter is not of Irish manufacture.

(c) Any butter sold or offered or consigned for sale in or from the creamery shall, if the Department so prescribe, 15 be marked in the prescribed manner with the mark or number and the words with which the package or wrapper containing or enclosing the butter is required to be marked under this section.

(2) If in the case of any registered creamery there is a 20 contravention of any of the foregoing regulations, the person by whom the business is carried on shall be guilty of an offence under this Act.

Regulations  
applicable to  
registered  
cream-  
separating  
stations and  
registered  
creameries.

6.—(1) No cream shall be supplied from any registered cream-separating station or registered creamery unless it has 25 been separated on the premises from milk by means of centrifugal force applied by mechanical power, or has been supplied to the premises from some other registered cream-separating station or registered creamery.

(2) If in the case of any registered cream-separating station 30 or registered creamery there is a contravention of the foregoing regulation, the person by whom the business is carried on shall be guilty of an offence under this Act.

Applications  
for registra-  
tion.

7. An application for registration under this Act shall be in such form and contain such particulars as may be prescribed, 35 and any person authorised in that behalf by the Department may at all reasonable times enter upon any premises to which the application relates and make such inquiries and investigations as may be requisite for the purpose of enabling the Department to deal with the application.

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8.—(1) Subject to the provisions of this section, the Department may remove from any register kept by them under this Act any premises entered therein—

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Removal  
from  
register.

(a) if the premises have been erroneously or fraudulently entered in the register;

(b) if the premises, owing to a change in the character of the business, or otherwise, have ceased to be capable of registration;

(c) if at any time the conditions of registration applicable to the premises or the machinery or plant therein are not complied with; or

(d) if there is a contravention of any of the regulations of this Act applicable to the business carried on upon the premises.

(2) When the Department determine to remove any premises from the register they shall give notice of their determination in the prescribed manner to the person whose name appears on the register as the person carrying on the business upon the premises, and shall not give effect to the determination before the expiration of the time fixed in pursuance of this Act for the making of an application to the county court in respect of such determination, or if an application is made to the county court within that period, while the application is pending.

(3) The Department may, if they think fit, restore to the register any premises removed therefrom under this section on such terms and conditions as they think proper.

9.—(1) Any person aggrieved by a refusal of the Department to register premises under this Act or by the determination of the Department to remove any premises from the register may, within the time fixed by rules of court under this section, apply to the county court having jurisdiction in the place where the premises or any of them are situated.

Proceedings  
on refusal of  
the Depart-  
ment to  
register  
premises and  
on removal  
from the  
register.

(2) On an application under this section, the court shall have power to direct that the premises or any of them shall be registered or that the determination of the Department to remove the premises from the register shall be reversed, as the case may be, and to make such order or orders as the justice of the case requires.

(3) Subject to rules of court, an appeal shall lie from any order of the county court under this section as in the case of an

A.D. 1912. — ordinary civil bill, and the provisions of the County Court (Ireland) Acts, 1851 to 1889, relative to appeals, shall apply accordingly.

(4) Rules of court may regulate the practice and procedure in the county court and on appeals under this section including costs. 5

Prohibition of use of term "creamery" in connection with unregistered premises.

10. If, after the first day of January nineteen hundred and thirteen, any manufacturer of or dealer in butter, cheese, margarine, margarine cheese, or milk-blended butter, uses in connection with any premises in Ireland, not being premises registered as a creamery under this Act, any name or description 10 stating or implying that the premises are a creamery, he shall be guilty of an offence under this Act.

Prohibition of use of term "creamery" in connection with butter sold or consigned in or from butter factories.

11. If any butter is sold or offered or consigned for sale as creamery butter in or from any premises in Ireland which are or are required to be registered under the Sale of Food and Drugs 15 Acts, 1875 to 1907, the occupier of the premises shall be guilty of an offence under this Act.

Unclean milk.

12.—(1) Any person who in Ireland—

- (a) knowingly supplies milk which is unclean or contained in a dirty vessel for use in a creamery, cream- 20 separating station, or other place where milk supplied by two or more suppliers is used for the manufacture of butter, cream, or other dairy produce for sale; or
- (b) knowingly accepts for use or uses in any such place as aforesaid any milk which is unclean or contained 25 in a dirty vessel;

shall be guilty of an offence under this Act, and shall be liable on summary conviction to a penalty not exceeding for the first offence one pound, for the second offence two pounds, and for the third or any subsequent offence five pounds. 30

(2) Where milk which is unclean or contained in a dirty vessel is found by an officer of the Department at or in the course of delivery to any such place as aforesaid, any person who knowing the name and address of the person by whom the milk is supplied refuses to give that name and address when required by the officer 35 shall be guilty of an offence under this Act, and shall be liable on summary conviction to a penalty not exceeding for the first offence ten shillings and for the second or any subsequent offence one pound.



13.—(1) Any manufacturer of or dealer in butter who sells or offers for sale in Ireland for use in a butter factory or a margarine factory, butter which is <sup>A.D. 1912.</sup>unclean, shall be guilty of an offence under this Act, unless he proves to the satisfaction of the court that the butter was sold or offered for sale, as the case may be, otherwise than as an article of food for human consumption. <sup>Unclean butter.</sup>

(2) If any unclean butter is found in a butter factory or margarine factory in Ireland, the occupier of the factory shall be guilty of an offence under this Act, unless he proves to the satisfaction of the court that the butter was not intended to be blended, re-worked, or treated in the factory.

(3) Any person guilty of an offence under this section shall be liable on summary conviction to a penalty not exceeding for the first offence one pound, for the second offence two pounds, and for the third or any subsequent offence five pounds.

14.—(1) Any officer of the Department shall have power to enter at all reasonable times— <sup>Powers of inspection.</sup>

(a) any premises registered under this Act;

(b) any other premises in Ireland at which milk supplied by two or more suppliers is used for the manufacture of butter, cream, or other articles of dairy produce for sale, or is commingled with a view to such use;

and to inspect any process of manufacture or treatment used therein, and to take samples of any butter, cream, or milk, or any articles capable of being used in the manufacture of dairy produce.

(2) If the Department have reason to believe that at or in connection with any premises in Ireland other than premises which an officer has power to enter under the last preceding subsection, an offence under this Act has been committed, or that the term "creamery" has been falsely applied to butter manufactured, sold, or consigned in or from the premises, the Department may specially authorise any officer of the Department to enter the premises; and in that case the officer shall have the like powers of entry, inspection, and sampling as in the case of the premises specified in the last preceding subsection.

(3) Where under this section a special authority is required, an officer of the Department shall not be entitled to exercise any of his powers under this section unless, if so requested by or on behalf of the occupier of the premises, he produces his authority.

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(4) If any person refuses to allow an officer of the Department to enter any premises which he is entitled to enter under this section, or obstructs or impedes him in the execution of his duty, he shall be guilty of an offence under this Act.

*Evidence of  
registration,  
&c.*

15.—(1) Any register kept under this Act shall be deemed 5 to be in the proper custody when in the custody of the secretary of the Department, and shall be admissible in evidence in all legal proceedings on its mere production from that custody.

(2) A document purporting to be a copy of or extract from any such register and to be certified as a true copy under the 10 hand of the secretary or an assistant secretary of the Department shall be admissible in evidence as of equal validity with the original register.

(3) A certificate purporting to be under the hand of the secretary or an assistant secretary of the Department and stating 15 that the premises described in the certificate are not entered on the register therein named shall be evidence of the facts therein stated.

(4) Any person may inspect any register kept under this Act on payment of such fee as may be prescribed not exceeding 20 one shilling for each inspection, and any person may require a copy of or extract from any such register or a certificate of non-registration to be certified or given by the secretary or an assistant secretary of the Department on payment of such fee as may be prescribed not exceeding sixpence for each folio of 25 a certified copy, extract, or certificate.

*Offences and  
prosecutions.*

16.—(1) Except as otherwise provided in this Act, offences under this Act may be prosecuted and penalties recoverable under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

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(2) Save where otherwise provided in this Act, any person guilty of an offence under this Act shall be liable, on summary conviction, to a penalty not exceeding for the first offence five pounds, and for the second or any subsequent offence ten pounds.

(3) In Ireland the Department shall have power to institute 35 prosecutions for offences and to recover penalties recoverable under this Act.

(4) All penalties recovered under this Act by the Department shall, notwithstanding anything in any other Act, be paid to the Department, and may be applied by them in aid of their expenses 40 in the execution of this Act.

17.—(1) Where an offence for which a person carrying on a creamery or cream-separating business is liable under this Act to a penalty has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person shall be liable to the like penalty as if he were the person carrying on the business.

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Exemption of person carrying on business from penalty on proof of another being actual offender.

(2) Where the person carrying on the business is charged with any such offence, he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the person carrying on the business proves to the satisfaction of the court—

(a) that he has used due diligence to enforce the execution of this Act; and

(b) that the said other person had committed the offence in question without his knowledge, consent, or connivance; that other person shall be summarily convicted of the offence, and the person carrying on the business shall be exempt from any penalty; and the person so convicted shall, in the discretion of the court, be liable to pay any costs incidental to the proceedings.

18. The Department may make rules for prescribing anything which under this Act is to be prescribed, and generally for carrying into effect the objects of this Act.

Rules of the Department.

19. In this Act, unless the context otherwise requires,—

Interpretation.

The expression "creamery business" means the business of manufacturing butter from cream which has been separated from milk by means of centrifugal force mechanically applied;

The expression "cream-separating business" means the business of separating cream from milk by the method aforesaid;

The expression "mechanically applied" means applied by machinery driven by any motive power other than human or animal power;

The expression "prescribed" means prescribed by the Department;

The expression "dairy produce" includes any article of human food made wholly or mainly from milk, its products, or bye-products.

20. This Act may be cited as the Irish Creameries and Dairy Produce Act, 1912.

Short title.

A.D. 1912.

SCHEDULE.PLANT AND MACHINERY.

I. A high or low pressure boiler to generate steam for (1) heating sufficiently the milk received at the premises so as to ensure the proper separation of the cream, if cream is separated from the milk at the 5 premises, and (2) heating sufficiently the water required for cleansing purposes.

II. A cooler for cooling the cream separated from milk at the premises, capable of reducing the temperature of the cream as delivered from the cream separator to a temperature not exceeding by more than 10 four degrees Fahrenheit the temperature at which the water used for cooling the cream is when it enters the cooler.

III. The undermentioned machinery, all of which shall be driven by mechanical power:—

<sup>2</sup>(a) A heater to heat the milk from which cream is to be separated 15 at the premises to a temperature sufficient to secure the proper separation of the cream.

<sup>6</sup>(b) A centrifugal separator to separate cream from the milk supplied to the premises.

§(c) A churn and a butter-worker, or a combined churn and 20 butter-worker, for the manufacture of the butter made at the premises.

\* Not applicable in the case of creameries to which milk is not supplied.

§ Not applicable in the case of cream-separating stations.



# Irish Creameries and Dairy Produce. [H.L.]

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## B I L L

### INTITLED

An Act to make provision with respect  
to the regulation of Irish creameries  
and the manufacture and sale of  
Irish dairy produce.

*Brought from the Lords 26 July 1913.*

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*Ordered, by The House of Commons, to be Printed,  
8 October 1912.*

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#### LONDON:

PRINTED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased, either directly or through any bookseller, from  
STRAID and GILES, LTD., Printers, 150, FLEET ST., and  
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Edinburgh) or

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Printed by STRAID and GORMANWOOD, LTD.,

Printers, 150, FLEET STREET, E.C. 4.

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[Bill 318]

[Paper 2d.]